

IN THE COURT OF COMMON PLEAS  
DAUPHIN COUNTY, PENNSYLVANIA

IN RE: : SUPREME COURT OF PENNSYLVANIA  
: 108 E.D. MISC. DKT. 2004  
THE TWENTY-SECOND STATEWIDE :  
INVESTIGATING GRAND JURY : DAUPHIN COUNTY COMMON PLEAS  
: NO. 355 M.D. 2005  
: NOTICE NO. 55

ORDER ACCEPTING AND FILING  
INVESTIGATING GRAND JURY REPORT NO. 1

AND NOW, this 16<sup>th</sup> day of March, 2006, upon review of Investigating Grand Jury Report No. 1, and finding that said report properly regards a matter investigated by the Grand Jury and proposes recommendations for administrative and executive action in the public interest based upon stated findings, and further finding that said report is based upon facts received in the course of an investigation authorized by the Investigating Grand Jury Act, 42 Pa. C.S. § 4541 et seq., and is supported by the preponderance of the evidence, it is hereby

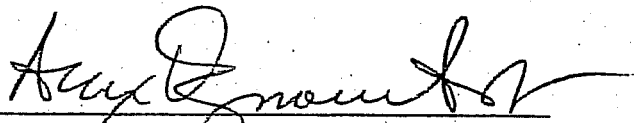
ORDERED

1. That Investigating Grand Jury Report No. 1 is accepted by the Court with the direction that the original be filed as a public record at a time deemed appropriate by the Office of Attorney General with the Court of Common Pleas of Dauphin County and that a copy be filed as a public record with the Court of Common Pleas of Northampton County.

2. That the Attorney for the Commonwealth deliver copies of the Report to the following:

- A. The Mayor of the City of Easton, Pennsylvania;
- B. The Members of City Council of Easton, Pennsylvania;
- C. The Acting Chief of Police of the Easton Police Department.
- D. The District Attorney of Northampton County.

BY THE COURT:

  
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ALEX BONAVIDACOLA  
Supervising Judge

IN THE COURT OF COMMON PLEAS  
DAUPHIN COUNTY, PENNSYLVANIA

IN RE: : SUPREME COURT OF PENNSYLVANIA  
: 108 E.D. MISC. DKT. 2004  
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TO THE HONORABLE ALEX BONAVIDACOLA, SUPERVISING JUDGE:

REPORT NO. 1

We, the members of the Twenty-Second Statewide Investigating Grand Jury, based upon facts received in the course of an investigation authorized by the Investigating Grand Jury regarding conditions related to the death of Police Officer Jesse Sollman and proposing recommendations for executive and administrative action in the public interest. So finding, with not fewer than twelve concurring, we do hereby adopt this Report for submission to the Supervising Judge.

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Foreperson – The Twenty-Second  
Statewide Investigating Grand Jury

DATED: March 15, 2006

**IN THE COURT OF COMMON PLEAS  
DAUPHIN COUNTY, PENNSYLVANIA**

<b>IN RE:</b>	<b>: SUPREME COURT OF PENNSYLVANIA</b>
	<b>: 108 E.D. MISC. DKT. 2004</b>
<b>THE TWENTY-SECOND</b>	<b>:</b>
<b>STATEWIDE INVESTIGATING</b>	<b>: DAUPHIN COUNTY COMMON PLEAS</b>
<b>GRAND JURY</b>	<b>: NO. 355 M.D. 2005</b>
	<b>:</b>
	<b>: NOTICE NO. 55</b>

**GRAND JURY REPORT NO. 1**

**INTRODUCTION**

On March 25, 2005, at approximately 3:29 p.m., Police Officer Jesse Sollman was shot to death inside a small secondary gun cleaning room on the second floor of the Easton Police Department Headquarters. At the time of the incident, the room was occupied by three Easton Police Officers – Officer Robert Weber, Officer Matthew Renninger and Officer Jesse Sollman. Officer Renninger, while in this room, was in possession of his fully loaded Easton Police Department issued service pistol. It was a Heckler & Koch 40 caliber semi-automatic pistol (serial no. 26-019821). As Officer Renninger turned to exit the room, his service pistol discharged. The weapon expelled a round which struck Officer Jesse Sollman in the back. Despite the efforts to treat Officer Sollman, he was pronounced dead within hours of receiving the gunshot wound. Officer Renninger's loaded, operable service pistol was recovered on the floor of the secondary cleaning room after the incident by an Easton detective.

We, the members of the Twenty-Second Statewide Investigating Grand Jury, have conducted an investigation into the death of Easton Police Officer Jesse Sollman. Our investigation was initiated as a result of a referral received by the Office of Attorney General from the District Attorney of Northampton County. That referral of jurisdiction was made pursuant to the Commonwealth Attorneys Act, 71 P.S. § 732-205(3). The Office of Attorney

General subsequently submitted the investigation, in July of 2005, to the 22<sup>nd</sup> Statewide Investigating Grand Jury.

The Grand Jury has heard testimony from 23 current and former members of the Easton Police Department. The Grand Jury, additionally, reviewed testimony and evidence from: investigators with the Office of Attorney General; Pennsylvania State Police Troopers; City of Easton officials; plaintiffs' attorneys, who have sued the City of Easton for alleged police misconduct; and, defense attorneys who have defended the City of Easton in cases involving allegations of police misconduct. The Grand Jury has also reviewed evidence regarding: current and past training standards and regimens for the Easton Police Department; the practices, policies, standards and regulations pertaining to training and firearms safety for the Easton Police Department; the command structure of the Easton Police Department; the physical facilities for firearms safety and maintenance within the Easton Police Department; and, evidence regarding policies, practices, standards and regulations of other law enforcement agencies pertaining to firearm training and safety. This Grand Jury has reviewed all known pertinent evidence pertaining to the death of Police Officer Jesse Sollman. Its review of the facts and circumstances surrounding the death of Officer Sollman necessitates a report, not only regarding its findings pertinent to the shooting, but its findings pertinent to the command, facilities, training, safety standards and culture of the Easton Police Department.

## **FINDINGS OF FACT**

### **I. FIREARM SAFETY FACILITIES**

At the time of this incident, the Easton Police Department had two rooms ostensibly designated for the cleaning and storage of firearms. These rooms were located on the second

floor of the Easton Police Department Headquarters. The larger of the two rooms, which measured approximately 14' 4" by 7', was the main armory where weapons, not otherwise being carried by the police officers, were stored. Additionally, this room had counter space and equipment for the cleaning of weapons. There was a single safety barrel, filled with sand, into which police officers could point weapons while loading and unloading. This safety barrel was located immediately outside the entrance to the main armory and approximately 12' from the secondary cleaning room. In March of 2005, the Easton Police Department employed 62 police officers. Because of the number of police officers and the limited space provided by the main armory, the Easton Police Department had previously converted a very small room adjacent to the main armory for use as a secondary cleaning room. This room had previously been used for the storage of parking meters and road flares. This is the room within which Officer Sollman was shot by Officer Renninger.

The dimensions of the secondary cleaning room are 7' 5" by 10' 1". There is a single doorway on the south side of the room, of three feet in width, leading to a hallway. The depth of this room, from the wall containing the doorway to the back wall (northern wall) of the room, is 7' 5". The length of the room comprises the 10' 1" feet measure. (A diagram of this room is attached hereto as a part of this Report). At western end of the room was a cabinet that extended two feet from the wall. Officer Sollman had been cleaning his weapon on the top of this cabinet prior to the shooting. At the other end of the room was a work bench that extended 2' 1" from that wall where Officers Renninger and Weber were cleaning their weapons prior to the shooting. On the northern wall, opposite from the room entrance, was a shelf that ran along the center three feet of that wall and extended one foot from the wall. In the center of the room was a trash can. Along the wall containing the entrance door was a chair. Hence, the limited space

within this room was further significantly restricted by the presence of a cabinet, shelf, work bench, trash can and chair. The distance between the edge of the cabinet, where Officer Sollman stood, and the edge of the work bench, where Officer Renninger stood, was six feet. However, prior to the shooting, Officer Sollman, Officer Renninger, a trash can and the one foot by three foot shelf, all occupied this six foot space.

This secondary cleaning room did not contain a safety barrel for the loading and unloading of weapons. The room was also windowless and without ventilation. The trash can in the center of the room was for the disposal of materials utilized for the cleaning of weapons such as rags, solvents and empty gun oil containers. There were no cameras or recording devices contained in this room.

In the hallway, outside of the doorway to the secondary cleaning room, there was a camera mounted in the ceiling pointing down the hallway towards a rear exit door. Images of individuals, who traveled the hallway between this rear exit door and the entrance to the secondary cleaning room, could be captured by this camera. If one stood in the doorway of the secondary cleaning room facing across the hall, the main armory would be to the right of the secondary cleaning room and the men's locker room would be across the hall and to the left of the secondary cleaning room.

## **II. FIREARM SAFETY TRAINING**

The Easton Police Department relied upon the individual experience and historical training of its officers in maintaining firearms safety when inside of the Police Department Headquarters. Regular training was conducted at the firing range and did involve safety standards for each police officer while at the firing range. Each officer also stated that they had, at some point in their careers, been trained in the practice of muzzle discipline. That training included the basic safety tenants of being aware of

where the muzzle of your weapon is pointed, where your partner is located, and where your trigger finger is resting. However, the Grand Jury was unable to identify any training, conducted by the Easton Police Department, pertaining to the transport of weapons, loading and unloading of weapons, and cleaning of weapons while in the confines of the Easton Police Department Headquarters.

It was clear from the testimony of the various Easton police officers that, while all police officers had received training at some time (primarily their initial police training prior to becoming police officers), there had been no specific training by the Easton Police Department regarding the handling of firearms within its buildings. A number of officers who testified confirmed the absence of training regarding firearms cleaning and handling while within police department structures. Likewise, many officers testified regarding the varied personal habits of Easton Police officers in the transport, handling and cleaning of firearms.

The majority of officers questioned stated that they did not always use the loading barrels (the two barrels of sand located in the headquarters building into which officers would point their weapons while loading and unloading for safety purposes). While no officer admitted to never using the loading barrels, several stated that they were aware of officers who never used these barrels. Likewise, personal habits of the officers varied widely regarding the carrying and cleaning of weapons. The majority of officers questioned admitted that they had carried a loaded and unholstered weapon while within the Easton Police Department Headquarters. Many admitted to carrying weapons in this fashion to and from the armory and secondary cleaning room. Also, officers testified that, it was not unusual, to load and unload their weapons in the armory and secondary cleaning room, while other officers were present. Many officers additionally testified that they had loaded and unloaded their weapons in the locker room or



elsewhere within the Easton Police Department Headquarters. One officer pointedly described officer practices in loading and unloading their weapons as "a hodge podge."

Individual officer preferences also dictated whether officers carried their handguns inside headquarters with the safety on or off. A number of officers testified that they regularly kept their handguns with the safety off, capable of firing by a pull of the trigger. Finally, while no officer testified that he had ever dismantled and cleaned a loaded weapon, the majority of those questioned stated that they had "wiped down" their department issued firearms while in a loaded condition.

### **III. EASTON POLICE DEPARTMENT POLICIES/PROCEDURES/RULES AND THE ENFORCEMENT THEREOF**

No Easton police officer who testified before the Grand Jury was able to identify any formal written policies, procedures, rules or regulations that existed regarding: the carrying and transport of firearms within the Easton Police Department Headquarters; the cleaning of weapons; the loading or unloading of weapons; when and where to engage or disengage the safety on a weapon; and, when and where weapons can, or should, be unholstered. Many officers flatly testified that no written policies existed or had, to their knowledge, ever existed. Several officers testified that there had been a written manual containing departmental policies and procedures in the past, but these had been collected years ago and never reissued.

Investigation by Agents from the Office of Attorney General and Troopers from the Pennsylvania State Police revealed a single page of written policy regarding "safe handling of firearms". This section of departmental policy contains only six provisions, none of which address the previously mentioned safety concerns.

The Grand Jury heard testimony about a prior discharge of a firearm within the Easton Police Department Headquarters. In 2001, an Easton Police Officer accidentally discharged a

police issued handgun while loading it in the main armory. No one was injured as a result of this discharge. Following this 2001 incident, safety barrels containing sand were placed in two locations in the headquarters building. A "memo" was also issued, on November 21, 2001, directing all police officers to load weapons while pointing weapon muzzles into these barrels full of sand. (The memo makes no mention of unloading weapons). However, the testimony received by the Grand Jury evidenced that the issuance of this memo was a "one-time event" which was never followed by any training or enforcement. Indeed, a number of officers testified that they were either unaware of the existence of this memo or did not believe it was mandatory. None of the officers questioned could recollect a single time when an officer had been reprimanded or disciplined for failure to comply with this memo or any other firearm safety standard. Testimony about the import of this memo was so varied and contradictory that it is clear it had little, if any, impact on the actual practices of the police officers. As with training, the Easton Police Department relied solely on the personal experience and habits of each individual officer to maintain firearm safety within the Easton Police Department Headquarters.

The Grand Jury received testimony and evidence regarding the written firearm safety policies and procedures employed by the Office of Attorney General and the Pennsylvania State Police. Additionally, the Grand Jury reviewed the written firearms safety standards recommended by the National Rifle Association. All of these written standards included provisions for the safe handling, transportation and cleaning of firearms. These written standards also included specific regulations for the handling of firearms within law enforcement facilities.

#### **IV. COMMAND OF THE EASTON POLICE DEPARTMENT**

The testimony and evidence received by the Grand Jury regarding deficiencies in the Easton Police Department firearms facilities, firearms safety training and firearms safety

standards demonstrate a significant series of failures in the past and current leadership of the Easton Police Department. The Grand Jury found no credible evidence that the past or current leadership of the Easton Police Department attempted to remedy, or were even aware of, the firearms safety deficiencies that existed in that Department. The testimony of, and regarding, those in the command structure, now and in the past, demonstrated little effort to establish or enforce safety standards or standards of conduct for the police officers of the Easton Police Department. Indeed, some appeared unwilling to acknowledge or unable to comprehend the gravity of these safety concerns. Even following the 2001 accidental discharge of a firearm within the armory, no significant efforts were made to establish or ensure firearm safety standards. Indeed, many of the current and former members of the Easton Police command structure provided self serving testimony regarding safety practices and safety standards that were clearly inconsistent with the other evidence received and reviewed by the Grand Jury.

#### **V. THE CULTURE OF THE EASTON POLICE DEPARTMENT**

The Grand Jury heard testimony about some of the past instances of police misconduct committed by members of the Easton Police Department. The City of Easton has, since 2002, paid in excess of 4.4 million dollars in civil settlements and verdicts as a result of police misconduct. This misconduct was not limited to individual acts by police officers but included concerted acts and decisions by police officers and members of the command structure. In perhaps the most egregious incident identified by the Grand Jury, an individual named John Cuvo was targeted by a written directive of former Captain John Mazzeo, despite the fact that Mr. Cuvo had not committed a crime. Subsequently, Mr. Cuvo was spotted by Easton Police officers while driving his car and was stopped, arrested and beaten. This incident cost the City

of Easton approximately 2.5 million dollars in a civil settlement. Additionally, no known disciplinary action was taken against the officers involved in this misconduct.

The Grand Jury also heard testimony regarding the SWAT Unit and its membership. Many members of this Unit viewed its membership as elite and distrusted any members of the command structure who had not previously been members of the SWAT Unit. For many members, loyalty to the SWAT Unit was highly valued and expected. Some members of this Unit employed a wolf's head logo as part of the unit culture. Testimony was received that some SWAT Unit members even had tattooed this wolf's head logo onto their bodies. Others had pins made up for the SWAT Unit that depicted a sword or dagger with wings over the German words "Eine fur Alles." A literal translation for this expression means "One for All." Members of this unit had worn this pin on their uniforms until prohibited by Chief Stephen Mazzeo.

A number of officers, both SWAT and non-SWAT members, testified about their growing animosity toward then Chief Stephen Mazzeo and his attempts at department reforms. Many viewed such reforms as a threat to the SWAT Unit and the degree of independence its members appeared to enjoy. The Grand Jury also heard a litany of complaints by officers who professed personal grievances against, and disagreements with, the command structure. Most officers questioned appeared primarily concerned with their own interests and the preservation of a status quo that does not include accountability for misconduct. The Grand Jury discerned little recognition by Easton Police Department officers of their duties as public servants, standard bearers of the law, and protectors of the Easton community. None of the recent events, from the episodes of police misconduct to the death of Officer Sollman, appear to have caused any reflection or recognition by officers about the need for reforms within the department.

## **VI. THE DEATH OF OFFICER SOLLMAN**

The Grand Jury incorporates herein all its previous findings of fact, especially those pertaining to the deficiencies of the secondary armory (cleaning) room and the lack of adequate firearm policies and procedures.

On March 25, 2005, at approximately 2:45 p.m., members of the Easton Police Department SWAT Team returned to Easton Police Department after a day of SWAT training at the Palmer Range. Training included qualifications with the MP-5 submachine gun which included transition drills to their handguns. Upon their return, various SWAT officers proceeded to the second floor of the Easton Police Department. The second floor contained locker room facilities, an armory, and a second secondary armory room. The secondary armory room was also described by various officers as the secondary cleaning room. SWAT officers then commenced breaking down and cleaning MP-5s, AR-15s and duty weapons (handguns), in the armory and the secondary cleaning room.

At approximately 3:05 p.m., Police Officers Matthew Renninger, Robert Weber, and Jesse Sollman were together in the secondary cleaning room cleaning an MP-5. When finished, Officer Renninger returned the cleaned MP-5 to the main armory room. Renninger then proceeded to the locker room area and unloaded his duty weapon, an H & K 40 caliber semi-automatic pistol, in preparation for cleaning the weapon. Renninger returned to the secondary cleaning room and proceeded to break down and clean his duty weapon which was not loaded. Officers Sollman and Weber were still in the secondary room cleaning their own duty weapons. After Renninger finished cleaning and reassembling his weapon, Renninger left the secondary cleaning room at approximately 3:27 p.m. Renninger is shown on an Easton security police video, walking down the hallway, towards the locker room, with his duty weapon in his left

hand. Renninger testified before the Grand Jury that he, at that time, proceeded to fully load said weapon in the locker room. He inserted a full magazine (12 rounds) into the magazine's cell. He racked the slide to chamber a round (leaving the magazine with 11 rounds). He believes that he decocked the weapon causing it to be placed in double action. He removed the magazine and topped off the magazine with one additional round (again bringing the magazine to 12). He then reinserted the magazine into the cell. The weapon was fully loaded with 13 rounds. Renninger then completed what he called a "press check" which is slightly pulling back the slide of the weapon, exposing a portion of the round which allowed him to look into the chamber to determine if, in fact, a round was actually chambered. He then proceeded to put the gun in an "off safe position" (ready to fire). He was about to holster his weapon when he noticed an off color smudge mark on the slide of the weapon. (His holster was hanging on a hook in his locker at this time). At this point, he decided to return to the secondary cleaning room and seek advice from Officer Sollman with regard to how he could remove the smudge mark from the slide.

At approximately 3:28 p.m., Renninger was seen on the security video carrying his weapon from the locker room, down the hallway, toward the secondary cleaning room. Renninger was carrying the weapon in his right hand, on his right side just below his waist, prior to his entering the secondary cleaning room which was still occupied by Sollman and Weber. Renninger pointed his weapon towards the unoccupied northeast corner of the room, at approximately chest level, as he asked Sollman's advice as to removing the smudge mark. He was instructed by Sollman to rub oil on it. Renninger testified that he then proceeded to the northeast corner, placed his weapon on safe, and laid it on the work counter. He sprayed an oily lubricant on a rag, picked up his weapon with his right hand, and proceeded to rub the oil on the slide of his weapon. At this point in time, Officer Weber was to Renninger's immediate right,

cleaning a weapon and Officer Sollman was approximately three to four feet behind Renninger, at a separate work counter cleaning his duty handgun. Renninger stated that, after he completed oiling the slide, he took his weapon "off safe" (ready to fire) and proceeded to turn to exit the room. Renninger stated he was holding the weapon in his right hand, at approximately stomach height, close to his body, with the barrel pointed downward at a six o'clock position. According to Renninger, he backed up a step while looking in a downward direction, and turned in a counter-clock wise direction. He then stated that unbeknownst to him, Sollman had changed position at the counter he was working at and had moved to a position closer to Renninger. Renninger stated that prior to making any eye contact with Sollman, the back of his right hand struck some portion of either Sollman's back or left arm, causing the weapon to be unstable in his hand. Renninger stated that although the weapon became loose in his hand, it never left his hand. He simultaneously stepped back and re-gripped the weapon with his right hand to regain control. In regaining control of the weapon, Renninger somehow caused the weapon to be turned so that the barrel was pointed towards Sollman's back. During this effort to re-grip and regain control of the weapon, Renninger inadvertently placed his finger behind the trigger guard and caused the weapon to fire.

Officer Robert Weber testified before the Twenty-Second Statewide Investigating Grand Jury. Officer Weber stated that he has been a City of Easton Police Officer since June of 2001, and has been a member of the Easton Police SWAT Unit since February of 2004. Weber testified that the members of the SWAT Unit spent their tour of duty on March 25, 2005, at the shooting range conducting weapons training. After training, members of the SWAT Unit returned to the Easton Police Department building in order to clean weapons and end their shift. Weber stated that, generally, when the SWAT Unit officers get back from training, it is the responsibility of each officer to clean weapons. Weber testified

that most of the officers had shot their duty weapons, and that various officers had also shot MP-5s, and that he had used an AR-15 at one point during the day.

He testified that the officers broke up into groups and started cleaning various weapons. He stated that he cleaned his service weapon in the secondary cleaning room on the second floor in the police building. While he cleaned his duty weapon, there were various officers with him at various times including Officer Herncane, Officer Gerould, and Officer Renninger. After cleaning his duty weapon, he loaded his weapon in the room and holstered the weapon. Thereafter, he, Officer Renninger, and Officer Sollman began to break down and clean an MP-5 inside the small cleaning room. That weapon was broken down and cleaned without incident. After the MP-5 was cleaned, it was reassembled and returned to the main armory by either Officer Renninger or Officer Sollman. Weber testified that thereafter, all three officers returned to the secondary cleaning room where Officers Sollman and Renninger began to clean their duty weapons. Officer Weber testified that he then began to break down and clean an AR-15 rifle. Using a diagram of the secondary cleaning room, Officer Weber advised the Grand Jury where each officer was located in the room during the cleaning process. Officer Sollman was positioned near a cabinet work area just inside the only door to the room. Officers Weber and Renninger were positioned on the opposite side of the room at a work bench that spans the entire width of the room. Officer Weber was located in the corner of the room nearest the hallway and Officer Renninger was located to Weber's left at the workbench in the corner of the room, diagonal from the doorway of the room. Officer Sollman was therefore located to the rear of Officers Weber and Renninger. There was a small plastic trash can located in the middle of the room. Weber testified that Officer Renninger left for a brief period and returned to the small cleaning room. When Officer Renninger returned to the room, he was still in possession of his duty weapon. Renninger asked Officer Sollman his opinion about a white haze that he discovered on his weapon. Sollman advised Renninger



to get some oil and rub it on the weapon to take the haze away. Weber stated that Officer Renninger returned to the workbench in the corner of the room, diagonal from where the door of the room is located. This is the same location that Renninger previously had occupied. Officer Weber observed Officer Renninger rubbing a rag over his duty weapon applying oil to the slide area. Officer Weber then observed Officer Renninger turn as if to leave the room. Officer Weber then heard a pop that he recognized as a discharge of a pistol. Officer Weber heard no unusual sounds prior to the shooting. Officer Weber immediately turned after he heard the pop and at that point, Officer Renninger was to his right. He said he saw Officer Sollman standing up on the balls of his feet with his back arched. Officer Sollman was facing the doorway. Weber also described that all three officers were within approximately one arms length of each other. Officer Weber then testified that he lunged for Officer Sollman and grabbed him as he was falling to the ground. Officer Sollman fell to the ground. Officer Weber screamed towards the other officers down the hallway to call for an ambulance and to get a chopper ready. Officer Weber heard Officer Renninger say, "Oh my God" twice. Officer Weber then reached up for Officer Renninger's hands and placed Renninger's hands over a bleeding gun shot wound that he saw on Officer Sollman's back. Officer Weber then ran down the hallway to the locker room and retrieved a green towel from his locker and returned to Officer Sollman. While in the locker room, Weber notified Lt. David Hess that Officer Sollman had been shot. When Officer Weber returned to Officer Sollman, Officer Dominic Marraccini was inside the small room holding pressure on the gunshot wound. Officer Weber, who is a trained EMT, began to render aid to Officer Sollman. Shortly thereafter, members of the fire department and paramedics arrived. Medics worked on Officer Sollman for several minutes until they were able to load Officer Sollman on a gurney and take him outside of the building to a waiting ambulance. Officer Sollman was transported to St. Luke's Hospital in Easton. Officer Weber used his personal vehicle to also go to St. Luke's Hospital. Upon arrival at the hospital,

Office Weber waited in a conference room a short period of time until he was notified that Officer Sollman was dead.

Detective James Krome of the Easton Police Department also testified before the Twenty-Second Statewide Investigating Grand Jury. Detective Krome has been with the Easton Police Department for five years. He has been a detective for almost one year. At approximately 3:30 p.m., Detective Krome was in the muster room of the police department on the first floor with Officer Gleason. At that time, he heard on the police radio that an ambulance was needed at police headquarters for a gunshot victim. He ran towards the foyer and heard a commotion up on the second floor. Upon arrival on the second floor, Detective Krome noticed Office Sollman lying on the floor in the secondary cleaning room. He also noticed Officer Renninger, Officer Marraccini, Officer Lambert, and Officer Beitler. Detective Krome noticed that Officer Renninger was seemingly in a daze standing over Officer Sollman saying, "I didn't mean it. I didn't mean it." The other officers were trying to assist Officer Sollman. Detective Krome took off Officer Sollman's rubber gloves and held his hand while the other officers rendered first aid to Sollman. Officer Renninger continued to stand over Sollman's body in the doorway and seemed visibly upset. Renninger kept repeating, "I didn't mean it." Since Officer Renninger was in the way, and possibly upsetting other officers who were trying to render aid; Detective Krome told one of the other officers there to take Renninger away from the shooting scene. Officer Renninger was then escorted from the scene by one of the other officers. Shortly thereafter, personnel from the rescue squad arrived on location. They took over the duty of rendering first aid to Officer Sollman and turned him over to do so. At that point, Detective Krome stood up and looked inside of the secondary cleaning room and noticed what appeared to be a fully operable Heckler and Koch 40 caliber semi-automatic handgun lying on the floor near the northeast corner of the room with the barrel facing in the northeast corner. The hammer of the weapon was cocked. He also noticed the slide of another Heckler and Koch 40 caliber

semi-automatic on the floor and an AR-15 rifle in two parts sitting on the work bench. Officer Krome testified that just prior to getting up and noticing the weapon on the floor, he had heard what sounded like a spent shell casing being kicked in the secondary cleaning room while officers were rendering aid to Officer Sollman. Detective Krome quickly retrieved the 40 Caliber Heckler and Koch from the northeast corner. After securing the weapon, he rendered it safe. He secured the weapon, and its ammunition, in a manila folder. Detective Krome also recovered a spent shell casing from the floor. According to Detective Krome, the spent shell casing was found on the floor near the cabinet where Officer Sollman had been working. After securing the shell casing, he also placed that in the manila folder. Detective Krome testified that he remained in the area of the small cleaning room until Emergency Medical Service personnel transported Officer Sollman out to an ambulance. At that point, Detective Krome and Lt. Golazeski taped off the area with crime scene tape and held the scene until the arrival of Pennsylvania State Police (PSP). Upon arrival of the PSP, Detective Krome directed the troopers to the weapon and ammunition that was recovered and kept in the manila folder. While awaiting the arrival of the Pennsylvania State Troopers, Lt. Golazeski also took photographs of the scene.

Pennsylvania State Trooper James Bruchak also testified before the Twenty-Second Statewide Investigating Grand Jury. Bruchak has been employed as a Pennsylvania State Trooper for the past 12 years. Trooper Bruchak is assigned to the Belfast Station and was the assigned criminal investigator in the shooting incident involving Police Officer Jesse Sollman and Police Officer Matthew Renninger that occurred on March 25, 2005. Trooper Bruchak testified that he arrived at the Easton Police Department at approximately 6:15 p.m., on March 25, 2005. Upon his arrival, he was met by other troopers that were already on the scene and was briefed about what had occurred. He was informed that Officer Sollman had been shot one time in the back by Officer Matthew Renninger. The incident occurred

inside a small room on the second floor of the police department that was utilized to clean firearms. He was advised that Officer Sollman had been transported to St. Luke's Hospital where he was pronounced dead. Trooper Bruchak then proceeded to the second floor to the secondary cleaning room where the incident occurred. Upon arrival, he was met by Trooper O'Malley of the Forensic Services Unit and Trooper Eagen of the Bethlehem Barracks. They were in the process of photographing the scene as well as collecting evidence. Trooper Bruchak testified that he was advised that the weapon presumed to have fired the shot that killed Officer Sollman was recovered at the scene. In addition, when the fatal shot was fired, the weapon would have been at full capacity of 13 rounds, one in the chamber and 12 in the magazine. After discharging the fatal round, one bullet was left in the chamber and 11 bullets remained in the magazine. Bruchak stated that the scene was processed in order to determine whether or not there was any evidence of a ricochet of the round in the secondary cleaning room. As a result of that investigation, it was determined that there was no evidence of ricochet in the secondary cleaning room. Bruchak also testified that he assisted in submitting evidence, including two shirts worn by Officer Sollman, to Trooper Kurt Tempinski for ballistics testing.

Pennsylvania State Trooper Kurt Tempinski also testified before the Twenty-Second Statewide Investigating Grand Jury. Tempinski testified that he has worked for the Pennsylvania State Police for the past 14 years. Over the past 12 years, he has worked in the Bethlehem Regional Crime Lab in the Ballistic Section. Tempinski has been qualified in excess of 100 times to testify in courts of record as an expert witness in the area of firearms and tool mark examination and identification. Trooper Tempinski testified that he received the Heckler and Koch handgun recovered at the scene, the ammunition that was within the handgun, and the spent shell casing that was on the floor of the small cleaning room. In addition, Trooper Tempinski received a spent round that was removed from the body of Jesse Sollman by Dr. Barbara Bollinger, the Medical Examiner that conducted the autopsy. The weapon itself was

observed, examined, and test fired. It was determined by Trooper Tempinski that there were no problems with the weapon that could cause it to discharge absent the pulling of the trigger with the requisite amount of force to cause the hammer to fall and discharge the firearm. Tempinski's testing determined that it takes approximately 9.8 pounds of pressure to pull the pistol's trigger in double-action and 4.2 pounds in single-action. Trooper Tempinski testified that he discharged rounds from this firearm into a bullet recovery tank in order to use the discharged rounds for comparison work on other evidence submitted including the round that he received from Dr. Bollinger, and the shell casing removed from the scene. After microscopic examination comparing the rounds that Tempinski discharged from that particular firearm to the discharged round that he received as evidence from Dr. Bollinger, he was able to conclude that the discharged round recovered from the body of Officer Sollman was discharged from the 40 Caliber Heckler and Koch that was submitted to him. Officer Tempinski also examined a spent shell casing that was provided to him with the other evidence. This casing was recovered from the floor at the scene. After microscopic examination of the spent shell cases that he discharged from the firearm and the spent shell case that he received in evidence, Tempinski was able to determine that the shell casing recovered from the scene was in fact discharged from the Heckler and Koch 40 Caliber firearm that was submitted to him. Trooper Tempinski also testified that he received two tee shirts that were worn by Officer Sollman at the time he was shot. The shirts were examined visually and microscopically, and were tested chemically for the presence of gunshot residue. Tempinski was also asked to determine how far away the muzzle of the firearm was from the garment at the time of the discharge of the bullet. As a result of Officer Tempinski's examination and testing, he opined that the gunshot residue and physical effects were consistent with a contact or near contact shot. That meant that the muzzle of the firearm was either touching or just slightly away from the fabric of the garment at the time of the discharge. Officer Tempinski also testified regarding the functioning of the

Heckler and Koch 40 caliber semi-automatic firearm that was submitted to him. He testified that the weapon contains a safety mechanism on the left-hand side of the weapon. One would need to push it down to disengaged it or push it up to engage it. When the safety is engaged, it causes the firearm not to be able to be discharged. He demonstrated that if one should pull the trigger while the safety is disengaged, it will cause the firearm to discharge assuming the weapon is properly loaded.

Barbara Bollinger, M.D., also testified before the Twenty-Second Statewide Investigating Grand Jury. Dr. Bollinger testified that she is a Forensic Pathologist. A Forensic Pathologist is a physician who has skills in determining cause and manner of death in particular cases which are suspicious, violent, sudden, or unnatural. Dr. Bollinger testified that she has been qualified to testify as an expert in courts of record approximately 50 times in the field of Forensic Pathology. Dr. Bollinger testified that she performed the autopsy on Jesse Sollman on March 26, 2005. As a result of her autopsy findings, Dr. Bollinger determined that the cause of death was a gunshot wound to the torso, and that the manner of death was homicide. Officer Sollman measured 5'8 ½" in height. Dr. Bollinger testified that she observed the entrance of the gunshot wound to the left aspect of his back in the area above the kidneys. The wound was located 46" from the bottom of his foot and 5" to the left of the mid-line of his back. The gunshot entered the abdominal cavity and grazed the back aspect of the left rib. It went through the spleen and the liver. It next traveled through the diaphragm and penetrated the aorta, which is the main blood vessel in the body. The bullet continued going from back to front and from left to right in a slightly upward direction, fracturing the front of the right fifth rib and ultimately lodging in the soft tissue right above the fifth rib. The bullet rested 48" from the bottom of Sollman's foot and 2" to the right of his mid-line. There was no evidence of ricochet within the body. Therefore, the bullet in his body would have traveled 2" upward and 7" rightward, back to front. Dr. Bollinger testified that around the entrance wound, which was about a half an inch in diameter, there were abrasions and scratches of

the skin and some contusions which appeared to be stippling. Stippling is created by gun powder residue. Gun powder residue is expelled from the muzzle of a weapon when it is fired and that residue was imparted on the skin causing powder burning or tattooing. Dr. Bollinger testified that she microscopically examined skin tissue from the entrance wound. Dr. Bollinger testified that in her opinion the muzzle of the weapon was in very close proximity to Officer Sollman's back when it was fired. In her expert opinion, the range of fire was less than 3" and possibly up to a contact wound.

The Grand Jurors can not accept Officer Renninger's recollection regarding how he held his weapon as he turned from the counter and collided with Officer Sollman. His belief that he was holding his weapon with the barrel pointed downward in a six o'clock position simply fails to comport with the physical evidence. When fired, the muzzle of Renninger's weapon was 45 to 46 inches from the ground and pointed in a slightly upwards angle. This is clear from the findings of the medical examiner and ballisticsian. Hence, the Grand Jury finds that Officer Renninger could not have been holding the weapon pointing downward at a six o'clock position when he came into contact with Officer Sollman. Additionally, the Grand Jurors believe it is possible that Renninger's weapon had been accidentally placed into a single action condition when Officer Renninger conducted the "press check" in the locker room prior to re-entering the secondary cleaning room (thereby reducing the necessary pounds of pressure to fire the weapon from 9.8 to 4.2). However, the evidence is such that a definitive conclusion in this regard is impossible.

## **VII. CONCLUSIONS**

We the members of the Twenty-Second Statewide Investigating Grand Jury have heard testimony and reviewed evidence pursuant to submission of Notice No. 55. In summary, we make the following findings:

1. The secondary cleaning room created an inherently dangerous situation due to its small size and limited floor space.
2. There was no effort by the Easton Police Department to train its officers in the employment of appropriate safety standards while handling weapons within the Easton Police Department Headquarters. Instead, the Department solely relied upon the personal habits and judgment of each individual officer.
3. The absence of written standards for the handling, transportation and cleaning of firearms within the Easton Police Department facilities is entirely inconsistent with the standard operating procedures of law enforcement agencies.
4. In addition to the absence of adequate written safety standards there is an absence of an enforced code of conduct for Easton police officers. While some written policies exist, we conclude that they are largely unknown and rarely enforced. There is no recognized manual of standards, policies and regulations provided to the officers of the Easton Police Department.
5. The command structure of the Easton Police Department, at all levels, failed to identify and remedy obvious deficiencies in safety standards and practices. Command failed to enforce the limited policies that did exist. Command has also failed to establish and enforce clear standards of conduct for Easton police officers.
6. Officer Renninger possessed and transported his unholstered, fully loaded pistol in the secondary cleaning room with the safety disengaged.
7. Officer Renninger allowed the weapon's muzzle to be pointed parallel to the floor at the time of its discharge.
8. Officer Renninger allowed the weapon's muzzle to be pointed in very close proximity to a fellow officer's body, 45" to 46" from the floor.
9. Officer Renninger allowed his trigger finger to slip behind the trigger guard of his weapon.
10. Officer Renninger applied between 4.2 and 9.8 pounds of pressure to the trigger of his service pistol causing the weapon to fire.
11. The round struck Officer Sollman in the back causing his death.



In reviewing Officer Renninger's conduct and all the surrounding circumstances, we find that as a result of Officer Renninger conducting himself in a negligent manner, he directly caused the death of Police Officer Jesse Sollman. However, our review of the evidence and the surrounding circumstances have convinced us that the shooting of Officer Sollman by Officer Renninger was unintentional and without malice. While we find that all of Renninger's acts listed above are negligent actions, we conclude that they do not rise to the level of criminal negligence or recklessness. Finally, we conclude that the cumulative effect of: the deficiency of the firearm safety facilities; the absence of appropriate firearm safety standards; the failure of the Easton Police Department command structure to establish and enforce safety standards and procedures; and, the series of negligent actions by Officer Renninger, resulted in the death of Police Officer Jesse Sollman.

#### **VIII. RECOMMENDATIONS**

We the members of the Twenty-Second Statewide Investigating Grand Jury, having heard testimony and reviewed evidence pursuant to submission of Notice No. 55, make the following recommendations:

1. Adequate firearms safety facilities must be provided for the unloading, cleaning and loading of all weapons. Such facilities must provide adequate space for individual officers to safely unload, clean and reload weapons. The facilities must also include a sufficient number of safety barrels to ensure that every weapon is loaded and unloaded with the use of such barrels. Cameras should also be installed and maintained in all firearm safety facilities. These cameras will ensure compliance and assist in identifying those officers who fail to adequately meet required safety standards.
2. Regular training should be conducted of all Easton police officers regarding the safe handling of firearms within the Headquarters Building. Such training should include instructions as to the appropriate method of handling firearms while transporting and cleaning them within the Headquarters. Additionally, the training should specify the locations where firearms can be unholstered for cleaning, and should include specific safety standards and checks that must be observed before, during and after each unloading, cleaning and loading.

3. The Easton Police Department should immediately adopt strict written firearm safety standards.
4. The written firearm safety standards adopted by the Easton Police Department should, at a minimum, require: transportation of only unloaded firearms (with slide, bolt or action open) to and from adequate weapons cleaning rooms; no ammunition permitted in cleaning rooms; the mandatory use of safety barrels for the loading and unloading of all weapons; a prohibition on cleaning or handling loaded weapons for any purpose not specifically authorized; all loaded weapons in the headquarters must be in a department approved holster or stored in a locked and secured location; written adoption of the "finger, muzzle, partner" safety standard (requiring that every police officer holding a weapon maintain clear control, and recognition, of the location of his trigger finger, the location of his weapon muzzle and the location of his partner, at all times); the proper and safe storage of any weapon not being worn or carried by a police officer; safety inspections of all weapons in compliance with firearm safety regulations; and, disciplinary provisions for any and all violations of written firearm safety standards.
5. Specific personnel should be appointed and trained as firearms safety inspectors. They should be tasked with conducting safety inspections to ensure compliance with all firearms safety standards.
6. The Easton Police Department must establish clear standards of conduct, rules and regulations to be adhered to by all Easton police officers. These standards must also include consequences for compliance failures and enforcement provisions for the discipline and removal of officers who violate the standards of conduct. A manual of these standards should be issued to each police officer and regularly reviewed and updated. Each officer should certify, annually, that he possesses this manual and is aware of its contents.
7. The City of Easton should seek and employ a Chief of Police who is independent of, and without prior affiliation to, the Easton Police Department. This new Chief of Police should be hired and tasked with the reform of the Easton Police Department. His clear mission should be to establish strict standards for the assurance of integrity, community service and public safety by the police officers of the Easton Police Department. The new Chief of Police should be empowered to select and employ only those captains, lieutenants and sergeants who recognize the necessity for reform, and who will ensure the enforcement of the standards of conduct.
8. The Grand Jury recommends an effort to increase citizen participation in the oversight of the Easton Police Department. It further recommends that a group of citizens, who are not currently connected to the Easton Police Department, be selected to advise the Mayor and City Council of the Easton Police Department regarding the search and retention of a new Chief of Police.

9. The establishment of an internal affairs unit under the direct supervision of the Chief of Police. All allegations of misconduct shall be disclosed to the Mayor.
10. The negligence and errors of judgment of Officer Matthew Renninger in this matter should result in the termination of his employment as an Easton Police Officer.

